S.B.CRIMINAL MISC. BAIL APPLICATION NO.4926/2007

(Arvind & Ors. vs. State of Rajasthan)

DATE OF ORDER : December 07, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Vipin Makked, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.Deepak Menaria, for the first informant.

Heard learned counsel for the petitioners, Public Prosecutor for the State and the counsel appearing for the first informant. Perused the order impugned.

The only dispute is with regard to the money paid to the petitioner through a franchisee for appointing a District Co-ordinator and the allegation of the first informant is that though the money was given through franchisee, yet the document agreement has not been executed. Learned counsel for the petitioners has shown me the original document Memorandum of Understanding, which has been executed for the period up to 26.2.2009 against the amount alleged to have been paid by the first informant.

Having regard to the facts and circumstances of the case and the fact that the document has now been executed, without commenting on the merit of the case, I consider it just and

proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Arvind s/o late P.K.Agarwal, Anurag s/o late P.K.Agarwal, Mohit s/o Dhiraj Singh Choudhary and Praveen s/o Dhiraj Singh Choudhary in FIR No.262/2006, P.S. Bhupalpura, Distt. Udaipur, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

The original document Memorandum of Understanding has been given to the learned Public Prosecutor, the same be placed on police investigation diary. The Investigating Officer shall hand over the document Memorandum of Understanding to the first informant.

(H.R.PANWAR),J.

m.asif/-